

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINCEY NORWOOD

v.

PREMIER PERSONAL CARE, INC.,
et al.

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CIVIL ACTION

No. 13-3709

ORDER

AND NOW, this 15th day of October, 2013, it is ORDERED Defendant Lower Makefield Township's Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Document 3) is GRANTED. Plaintiff Quincey Norwood's Complaint is DISMISSED as to Lower Makefield Township. Norwood's negligence claim against the Township (Count II of the Complaint) is dismissed with prejudice. Norwood's § 1983 claim against the Township (Count III of the Complaint) is dismissed without prejudice. Norwood shall have until November 5, 2013, to file an amended complaint that addresses the deficiencies in his § 1983 claim identified in the accompanying Memorandum. Failure to file an amended complaint by November 5, 2013, will result in dismissal of Count III with prejudice.

It is further ORDERED Defendant Premier Personal Care, Inc.'s Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Document 5) is DENIED without prejudice to reassertion in the event Norwood files an amended complaint. If Norwood does not file an amended complaint, Norwood's claim against Premier (Count I of the Complaint) will be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.